

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**NuStar Energy L.P.  
3210 131<sup>st</sup> Street  
Blue Island, Illinois 60406**

**ATTENTION:**

**Robert Latz  
Terminal Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring NuStar Energy L.P. (NuStar or you) to submit certain information about the facility at 3210 131<sup>st</sup> Street, Blue Island, Illinois. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

NuStar owns and operates an emission source at the Blue Island, Illinois facility. We are requesting this information to determine whether your emission source is complying with the Illinois State Implementation Plan, Title 5 of the CAA, the National Emission Standards for Hazardous Air Pollutants, and the New Source Performance Standards.

NuStar must send all required information to:

Attn: Compliance Tracker, AE-18J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

NuStar must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

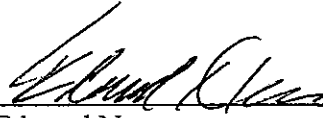
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject NuStar to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Shilpa Patel at (312) 886-0120, or Linda H. Rosen, at (312) 886-6810.

10/31/17  
Date

  
\_\_\_\_\_  
Edward Nam  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Illinois State Implementation Plan, the National Emission Standards for Hazardous Air Pollutants or the New Source Performance Standards.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

NuStar Energy L.P. (NuStar or you) must submit the following information pertaining to its Blue Island, Illinois facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

1. For each tank at the facility, provide the following information:
  - a. Tank ID;
  - b. Installation date;
  - c. Tank type (e.g., fixed roof cone, fixed roof dome, internal floating roof, external floating roof domed, external floating roof not domed, pressure tank, variable vapor space, etc.);
  - d. Capacity in gallons;
  - e. Filling method of tank;
  - f. Identification of all products stored in the tank since January 1, 2013 to the date of receipt of this request. Include in your response: the dates and period(s) during which each product was stored; whether each product is a volatile organic liquid (VOL), volatile petroleum liquid (VPL) or gasoline and the reasons why; the product's maximum true vapor pressure, in psia (for VOL and gasoline) and the method or published reference used to determine the vapor pressure; and the vapor pressure at 70 degrees F (for VPL) and the method or published reference used to determine the vapor pressure;
  - g. Whether the tank is heated and to what temperature;
  - h. Dates the tank was emptied, filled or refilled or degassed since January 1, 2013; and
  - i. Which of the following regulations that you believe apply to the tank: NSPS 40 C.F.R. Part 60 Subpart K, Ka and/or Kb; NSPS 40 C.F.R. Part 60 Subpart VV; 40 C.F.R. Part 61, Subpart J, V and/or Y; 40 C.F.R. Part 63, Subparts R, CC, HHH, EEEE, and/or BBBB; and/or 35 IAC Part 218, Subpart B. Explain why each regulation does or does not apply.
2. For each tank at the facility which is equipped with an internal floating roof, provide the following information, by Tank ID, for the design at the time of initial installation:
  - a. Internal floating roof type (e.g., double deck floating roof);
  - b. Self-supported fixed roof (yes or no);
  - c. Description of deck construction (e.g., welded, riveted, bolted);
  - d. If bolted aluminum or sandwich panel deck, provide panel length and panel width;
  - e. If skin and pontoon deck, provide panel width;
  - f. Description of tank construction (e.g., welded, riveted);
  - g. Low deck leg height;
  - h. High deck leg height;

- i. Description of primary rim seal (e.g., foam or liquid-filled seal mounted in contact with the liquid; two seals mounted one above the other to form a continuous closure; mechanical shoe seal);
  - j. Description of secondary rim seal, if applicable; and
  - k. Description of each opening in the internal floating roof (e.g., automatic bleeder vents, vacuum breaker vents, leg sleeves, rim space vents, column wells, ladder wells, sample wells, stub drains, access hatches and gauge float wells). Describe whether each opening is equipped with a cover or lid and whether the cover or lid is equipped with a gasket or bolted. Describe in what circumstances each opening is closed and opened, and with what frequency those circumstances occur.
3. For each tank at the facility with a guidepole:
- a. Provide the date of the original guidepole installation and describe the type of guidepole installed at the time of original installation;
  - b. Describe what type of guidepole each tank currently has (slotted or unslotted, gasketed or ungasketed, and whether there is a pole float, pole wiper and/or pole sleeve in place); and
  - c. Since the time of original installation, describe all changes to the guidepoles, including but not limited to replacements and conversions from unslotted to slotted poles. Include in your description the date of each change, the description of each change, the estimated emission rate increase due to the change calculated either at the time of the change or since then, and copies of any permits requested and/or granted.
4. If changes/additions/modification were made to the tanks after the initial installation not described in response to Question 3 above, provide the following information for each change:
- a. Date of the change/installation/modification;
  - b. Description of the change/installation/modification;
  - c. Estimated emission rate increase due to the change/installation/modification calculated either at the time of the change or since then;
  - d. Copies of any permits requested and/or granted; and
  - e. Reason for the change/installation/modification.
5. For all tanks at the facility, provide a list of all tank inspections (e.g., rim seal inspections, floating roof inspections, preventative maintenance inspections, inspections conducted pursuant to 35 Ill. Admin. Code Part 218, Subpart B or your Title 5 permit), since January 1, 2010 and a list of the last two API 653 inspections. For each tank inspection, provide:
- a. Tank I.D.;
  - b. Date of inspection;
  - c. Type of inspection;

- d. Reason for inspection;
  - e. Protocol or guidance followed for the inspection, if applicable;
  - f. Observed conditions of the control equipment (seals, internal floating roof, and fittings) and any other major findings from inspection;
  - g. All repairs and activities recommended to be performed as a result of the inspection (whether or not such repairs and activities were actually performed);
  - h. A description of any repairs and activities recommended to be performed that were not performed; and
  - i. A description of all follow up repairs and activities conducted due to the inspection.
6. For all tank inspections listed in response to question 5, above, except the API 653 inspections, provide copies of the reports of the inspections conducted since January 1, 2012 and copies of all guidance documents and inspection procedures followed for those inspections. For the API inspections listed in response to item 5, above, provide copies of the last two inspection reports and copies of all guidance documents and procedures followed for those inspections.
7. For each tank inspection listed in response to question 5, above, provide the following information regarding all follow up repairs and activities conducted at the tanks due to the inspections:
- a. Specify the date the activity was authorized;
  - b. Provide an identifying number for each activity;
  - c. Describe the performed activity (including the purpose or reasons for the activity); and
  - d. Provide the date the activity began and ended.
8. For all tanks at the facility, provide a list of all repairs, corrective actions, and maintenance activities that have been conducted on the tanks from January 1, 2013 to the present that are not being provided in response to questions above. In this list:
- a. Specify the date authorized;
  - b. Provide an identifying number for each activity;
  - c. Identify or briefly describe the performed activity (including the purpose or reasons for the activity); and
  - d. Provide the date the activity began and ended.
9. For all tanks storing volatile organic liquid (VOL) for the period January 1, 2013 to the date of receipt of this request:
- a. Provide a copy of the report required to be submitted to the Illinois EPA by 35 Ill. Admin. Code 218.129 that describes the control equipment and certifies that the control equipment meets the specifications of 35 IAC 218.120(a)(1) and 218.127(a)(1); and





- b. Provide copies of any reports to the Illinois EPA, required by 35 Ill. Admin. Code 218.129 that identify the nature of defects detected through the tank inspections, the date the storage vessel was emptied or the nature of and date the repairs were made.
- 10. For the tanks at the facility, provide copies of NuStar's operation and maintenance procedures that have been in place since January 1, 2013.
- 11. For the period January 1, 2013 to the date of receipt of this request, provide copies of all reports (immediate, quarterly, semi-annual, etc.) submitted to the Illinois EPA showing deviations, noncompliance or excess emissions related to air emission requirements.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

## **Determining Whether the Information Is Entitled to Confidential Treatment**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as

substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by  
Certified Mail, Return Receipt Requested, to:

Robert Latz, Terminal Manager  
NuStar Energy L.P.  
3210 131<sup>st</sup> Street  
Blue Island, Illinois 60406

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by E-mail to:

Julie Armitage, Acting Compliance Manager  
Bureau of Air, Illinois Environmental Protection  
Agency  
[julie.armitage@illinois.gov](mailto:julie.armitage@illinois.gov)

On the 3<sup>rd</sup> day of November 2017.



Kathy Jones, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7647 0650